

R E M A R K S

Favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Initially, Applicants wish to express their appreciation to the Examiner and her supervisor for their courtesy and helpful comments provided to the Applicants' representative during the personal interview held on July 18, 2005.

After the foregoing amendments, claims 89-90, 114 and 116-118 are pending.

Claim 89 has been amended to remove the phrase "excepting a nanoparticle suspension". In addition, claim 89 has been amended to change the recitation "above 1 μm " to -- about 1.5 μm -- as suggested by the Examiner on page 3, lines 1-2 of the Action.

In view of the foregoing amendments and the cancellation without prejudice of certain former claims, the rejection of the claims under 35 USC 112, first and second paragraphs, is deemed to be overcome.

Claim 90 has been amended to recite a Markush group of acidic substances which were cited in the claim on September 9, 2004.

New claim 118 is added directed to a preferred acidic substance which is supported by claim 90.

In view of the foregoing amendments and cancellation of certain former claims, the rejections of the claims under 35 USC 103 as unpatentable over Negoro et al. in view of Muller et al. is deemed to be overcome.

In addition, the rejection of the claims under 35 USC 103 as unpatentable over Negoro et al. in view of Arbuthnot et al. is deemed to be overcome.

Furthermore, the rejection of claims 89-90, 110-113 and 115-117 under 35 USC 103 as being unpatentable over Negoro et al. in view of Muller et al. or Arbuthnot et al. and further in view of Schneider et al. is deemed to be overcome.

The foregoing amendments overcome the new matter rejection.

A Terminal Disclaimer is submitted concurrently herewith to overcome the double patenting rejection over the claims of U.S. Patent No. 6,297,244.

Declaration E demonstrates that a tablet comprising 1.5 μm particles of AS-3201 and an acid having a pKa less than about 5.6 is unexpectedly more stable than the same tablet without an acid. It is respectfully submitted that such experiments support the patentability and nonobviousness of the full scope of the claims.

In view of the foregoing, it is believed that each ground of rejection set forth in the Official Action have been overcome, and that the application is now in condition for allowance. Accordingly, such allowance is solicited.

Respectfully submitted,

Mamoru OHASHI et al.

By: 
Warren M .Cheek, Jr.
Registration No. 33,367
Attorney for Applicants

WMC/dlk
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
November 3, 2005